

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 3012 – HB 3125

April 13, 2010

SUMMARY OF AMENDMENTS (015389, 016717): Amendment 015389 deletes all language after the enacting clause. Expands the existing Class A misdemeanor for possession of a handgun while under the influence of alcohol or any controlled substance to include a person possessing a firearm if the person is both in an establishment open to the public where liquor, wine, or other alcoholic beverages are served for consumption on the premises and the person is consuming any such alcoholic beverage. Creates a Class B misdemeanor, punishable by fine only of \$500, for a person to possess a weapon in a building or on property that is properly posted with a handgun restriction notice. Effective September 1, 2010, a component of the classroom portion of all Department of Safety approved handgun courses shall be instruction on alcohol and drugs, the effects of those substances on a person's reflexes, the judgment and ability to safely handle a firearm, and the provisions of Tenn. Code Ann. § 39-17-1321. Deletes the Class C misdemeanor offense for a person, licensed to sell wine or other alcoholic beverages for on the premises consumption, to post a handgun sign at least six inches high and fourteen inches wide pursuant to Tenn. Code Ann. §§ 57-4-203 and 57-3-204. Amendment 016717 deletes subsection (b) of the amendatory language of Section 3. Defines "language substantially similar to" to mean the sign contains language plainly stating the property is posted under the authority of Tennessee law; weapons or firearms are prohibited on the property, in the building, or on the portion of the property or building that is posted; and possessing a weapon in an area that has been posted is a criminal offense. A building, property, or a portion of a building or property, shall be properly posted if the international circle and slash symbolizing the prohibition of the item within the circle or the posting sign described by the bill as amended.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue – \$11,000
Increase Local Expenditures - \$4,200*

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Revenue – Not Significant

Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions applied to amendments:

- There will not be a sufficient additional number of prosecutions for state or local governments to experience any significant increase in revenue or expenditures.
- Requiring handgun safety courses to have a component of classroom instruction on alcohol and drugs applicable to laws regarding firearms will have a not significant impact on the Department of Safety.
- Deleting the Class C misdemeanor offense for a licensed alcohol seller to post certain signs will result in a slight decrease in the number of violations. Such decrease is estimated to be not significant.
- Any cost can be accommodated within existing state and local resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc